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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,615	07/20/2001	Matthew Kenyon Kellogg	KELM-1-1003	2317
25315	7590 12/28/2004		EXAMINER	
BLACK LOWE & GRAHAM, PLLC			HUYNH, KHOA D	
701 FIFTH A			ART UNIT PAPER NUMBER	
SUITE 4800 SEATTLE,			3751	
			DATE MAILED: 12/28/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.



	Application No. Applicant(s)						
Notice of Abandonment	09/909,615	KELLOGG, MATTHEW KENYON					
	Examiner	Art Unit					
	Khoa D. Huynh	3751					
The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondence ad	ldress				
This application is abandoned in view of:							
<ol> <li>Applicant's failure to timely file a proper reply to the Office         <ul> <li>(a)  A reply was received on (with a Certificate of Note period for reply (including a total extension of time of</li> </ul> </li> </ol>	Mailing or Transmission dated		expiration of the				
(b) A proposed reply was received on, but it does	not constitute a proper reply under 3	7 CFR 1.113 (a) to	the final rejection.				
(A proper reply under 37 CFR 1.113 to a final rejection application in condition for allowance; (2) a timely filed Continued Examination (RCE) in compliance with 37 (	d Notice of Appeal (with appeal fee);						
(c) A reply was received on but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).							
(d) $igtii$ No reply has been received.							
<ol> <li>Applicant's failure to timely pay the required issue fee and from the mailing date of the Notice of Allowance (PTOL-8</li> </ol>		the statutory period	d of three months				
(a) ☐ The issue fee and publication fee, if applicable, was ), which is after the expiration of the statutory position. Allowance (PTOL-85).							
(b) ☐ The submitted fee of \$ is insufficient. A balance of \$ is due.							
The issue fee required by 37 CFR 1.18 is \$ The publication fee, if required by 37 CFR 1.18(d), is \$							
(c) The issue fee and publication fee, if applicable, has not been received.							
<ol> <li>Applicant's failure to timely file corrected drawings as requested.</li> <li>Allowability (PTO-37).</li> </ol>	uired by, and within the three-month p	period set in, the No	otice of				
<ul> <li>(a) Proposed corrected drawings were received on</li> <li>after the expiration of the period for reply.</li> </ul>	_ (with a Certificate of Mailing or Tran	smission dated	), which is				
(b) \( \sum \) No corrected drawings have been received.							
4. The letter of express abandonment which is signed by the the applicants.	e attorney or agent of record, the ass	ignee of the entire i	nterest, or all of				
<ol> <li>The letter of express abandonment which is signed by an 1.34(a)) upon the filing of a continuing application.</li> </ol>	attorney or agent (acting in a repres	entative capacity u	nder 37 CFR				
<ol> <li>The decision by the Board of Patent Appeals and Interfer of the decision has expired and there are no allowed clair</li> </ol>		e the period for see	eking court review				
7. 🛛 The reason(s) below:							
Also a courtesy telephone call was made to Mr. Sta Mr. Stallman indicates that a reply to the outstandin be filed. The instant application has gone abandon	g Office Action, mailed on 05/25/						
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdra minimize any negative effects on patent term.	aw the holding of abandonment under 37	CFR 1.181, should be	promptly filed to				

Art Unit: 3751

## **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa D. Huynh whose telephone number is (571) 272-4888. The examiner can normally be reached on M-F (7:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khoa D. Huynh Patent Examiner Art Unit 3751

HK 12/22/2004